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Attorneys for
Court-Appointed Receiver
W. Lawrence Patrick

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

WB MUSIC CORP. et al.,

Plaintiffs,

v.

ROYCE INTERNATIONAL
BROADCASTING CORP., et al.,

Defendants.

CASE NO.: 5:16-cv-00600-JGB (SPx)

Hon. Jesus G. Bernal

**DECLARATION OF FRED D.
HEATHER IN SUPPORT OF
RULE 11 FEE REQUEST, AS
DIRECTED BY THE COURT'S
OCTOBER 19, 2023 ORDER (DKT.
NO. 533)**

DECLARATION OF FRED D. HEATHER

I, Fred D. Heather, declare and state as follows:

1. I am a member of the State Bar of California and of the United States District Court, Central District of California. I am a partner of the law firm Glaser Weil Fink Howard Jordan & Shapiro LLP (“Glaser Weil”), attorneys of record for W. Lawrence Patrick, the Court-Appointed Receiver in this action. I submit this declaration in support of the Receiver’s Rule 11 fee request, as directed by the Court’s October 19, 2023 order (Dkt. No. 533). I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. On October 19, 2023, the Court, in granting the Receiver’s motion for sanctions, ordered the Receiver “to submit evidence to the Court of the time and hours spent litigating the instant matters[,]” which includes opposing Defendants’ motion for relief from the order establishing receivership *ab initio*, the second and third amended judgments, the June 21, 2021 order, and the final accounting order (the “Rule 60 Motion”) (Dkt. No. 515) and filing a motion for sanctions (Dkt. No. 529).

3. The Receiver, represented by Glaser Weil, has incurred attorneys’ fees amounting to \$117,262.50 in litigating the above-mentioned matters from August 21, 2023, when Defendants filed their Rule 60 Motion, through October 19, 2023, the date of the Court’s ruling. A true and correct copy of all Glaser Weil invoices detailing the pertinent time entries is attached hereto as **Exhibit A**.

4. However, the associate who was assigned to this case, Yao Mou, joined the case shortly after Defendants filed their Rule 60 Motion in August 2023. Consequently, she dedicated extra hours to acquaint herself with the case’s detailed background and extensive procedural history. To accommodate her background study of the matter, our request for fees is reduced by \$25,000, from \$117,262.50 to \$92,262.50.

5. The attorneys who actively involved in litigating these matters are

1 myself, Aaron P. Allan, and Yao Mou. As reflected in the invoices, in opposing
2 Defendants' Rule 60 Motion, the Receiver had to address several challenges unique to
3 his role, including but not limited to, the challenge of the Receiver's oath of office,
4 the alleged conflict of interest with Defendant Edward R. Stolz, and the Receiver's
5 purported failure to serve Defendants' counsel with the motion seeking approval of
6 final report and accounting. Furthermore, to adhere to the safe harbor rule, the
7 Receiver's counsel also drafted a Rule 11 letter and engaged in meet and confer with
8 Defendants' counsel prior to filing the motion for sanctions.

9 6. The hours listed in Exhibit A are derived from contemporaneous billing
10 reports recording the time expended in this case for the dates noted. As a matter of
11 regular business practice at Glaser Weil, each attorney prepares daily records of the
12 time he or she spends on each matter for each client and the work performed. These
13 time records are logged in 15-minute increments, and include descriptions of the tasks
14 undertaken for each time entry. Those records are then entered in the normal course
15 of business into Glaser Weil's billing system. In this matter, I am the billing attorney
16 and reviewed all bills for accuracy and reasonableness. The attached exhibit reflects
17 true and correct timekeeper entries with minor modifications for clarity.

18 7. As noted above, I am a partner at Glaser Weil. My practice focuses on
19 complex civil litigation. I have served as chief trial/litigation counsel in a wide
20 variety of complex civil cases. Aaron P. Allan is a senior partner at Glaser Weil. He
21 has more than two decades of experience litigating cutting edge and "bet the
22 company" cases for a diverse range of business entities. Yao Mou is an associate in
23 Glaser Weil's litigation practice group. Her practice focuses on complex commercial
24 litigation, including intellectual property disputes and antitrust litigation.

25 8. My billing rate on this matter is \$1,200.00. Mr. Allan's billing rate on
26 this matter is \$1,050.00. Ms. Mou's billing rate on this matter is \$550.00. These are
27 Glaser Weil's standard 2023 billing rates. Glaser Weil's billing rates are based on our
28 analysis of the market rate for attorneys with comparable qualifications, background,

1 experience, and reputation at comparable firms performing comparable work. I am
2 informed and believe that this rate is reasonable in relation to the hourly rates
3 prevailing in California for similar work performed by attorneys of similar experience
4 at competitive full-service midsize law firms.

5 9. In conclusion, the Court should impose sanctions totaling \$92,262.50
6 against Defendants and their counsel in connection with the Receiver's motion for
7 sanctions.

8 I declare under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct.

10 Executed on October 27, 2023 in Los Angeles, California.

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14 /s/ Fred D. Heather
15 FRED D. HEATHER
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EXHIBIT A

W. LAWRENCE PATRICK**LARRY@PATCOMM.COM**

Billing Attorney FDH
 Invoice No. 278282
 Invoice Date September 15, 2023

Client ID: 09897 Matter ID: 0001
 RE: STOLZ RECEIVERSHIP

FOR PROFESSIONAL SERVICES RENDERED THROUGH August 31, 2023

Date	Professional	Narrative	Hours	Amount
08/22/23	FDH	Review and initial analysis of Rule 60 motion by Stolz (initial review of record and identification of research issues that must be addressed).	3.75	4,500.00
08/22/23	APA	Review Stolz motion to void receivership; related emails with bankruptcy counsel; confer with Fred Heather; prepare opposition brief.	1.00	1,050.00
08/23/23	FDH	Initial work on analysis of Rule 60 Motion and potential arguments in opposition.	3.50	4,200.00
08/23/23	APA	Conference call with ASCAP counsel regarding opposition to Stolz motion and possible ex parte regarding Rule 11; prepare opposition brief; related emails.	2.00	2,100.00
08/23/23	YM	Telephone call with co-counsel to strategize response to Defendants' Rule 60 motion; legal research re opposition due date; conduct preliminary research re statute of limitations re challenging judgment; conduct preliminary research re res judicata doctrine.	7.50	4,125.00
08/24/23	VS	Review of Declaration of Donald Schwartz ISO Defs' Rule 60(b) Motion; email to A. Allan, Y. Mao and F. Heather re same.	0.50	150.00
08/24/23	FDH	Work on opposition to Motion, call with co-counsel, analysis of issues and development of arguments, calls and emails with Y. Mou and A. Allan re same.	5.00	6,000.00
08/24/23	APA	Emails regarding Rule 11 strategy; prepare opposition to Stolz motion.	1.00	1,050.00
08/24/23	YM	Telephone call with co-counsel re opposition brief; internal telephone call with counsel re next steps.	1.00	550.00
08/25/23	VS	Further review of Schwartz Declaration ISO Rule 60(b) motion; email F. Heather re same.	0.25	75.00
08/25/23	FDH	Work on opposition, call with co-counsel, emails to Y. Mou and A. Allan re development of arguments.	6.00	7,200.00

Date	Professional	Narrative	Hours	Amount
08/25/23	YM	Draft outline for opposition to Defendants' Rule 60 motion; telephone call with counsel re the same; draft opposition brief; legal research re Rule 60(b).	6.50	3,575.00
08/26/23	FDH	Work on opposition to Rule 60 Motion, emails to Y. Mou and A. Allan with suggested arguments.	4.00	4,800.00
08/26/23	APA	Emails regarding opposition to Stolz motion; confer with Heather regarding draft opposition brief.	0.50	525.00
08/26/23	YM	Continue drafting opposition brief; legal research re meet and confer requirement; legal research re res judicata.	12.00	6,600.00
08/27/23	YM	Continue drafting opposition brief; legal research re statute of limitations.	10.25	5,637.50
08/28/23	FDH	Work on opposition to Rule 60 motion, emails to A. Allan and Y. Mou re same, review of draft rule 11 letter and brief by plaintiff's counsel.	6.00	7,200.00
08/28/23	APA	Prepare opposition to Stolz motion to void receivership; related calls and emails with Fred Heather and Yao Mou.	1.00	1,050.00
08/28/23	YM	Continue drafting opposition brief (20 pages); legal research re res judicata doctrine; legal research re law of case doctrine; email correspondence re redline of prior and current Rule 60 motions.	10.00	5,500.00
08/29/23	FDH	Work on opposition to Rule 60 Motion, calls with A. Allan and Y. Mou, reading and comment on Rule 11 letter, further study of moving papers to develop opposition arguments.	4.50	5,400.00
08/29/23	APA	Revise opposition to Stolz motion; related calls and emails.	2.00	2,100.00
08/29/23	YM	Continue drafting receiver's opposition to Defendants' Rule 60 motion; finalize initial draft for counsel to review; telephone call with counsel re the same; review and incorporate counsel's edits and comments into draft opposition brief; draft Rule 11 letter to opposing counsel; telephone call with counsel re the same; telephone call with receiver in preparation for his supporting declaration; email correspondence re supporting exhibits.	9.50	5,225.00
08/30/23	APA	Emails regarding draft opposition to Stolz motion; related call with Heather regarding strategy.	0.75	787.50
08/30/23	FDH	Work on motion papers.	5.25	6,300.00

Date	Professional	Narrative	Hours	Amount
08/30/23	YM	Email correspondence with counsel and client re draft opposition brief; compile exhibits in support of opposition; draft receiver's declaration in support of opposition.	2.50	1,375.00
08/31/23	APA	Emails regarding opposition to Stolz motion and supporting documents.	0.25	262.50
08/31/23	YM	Draft and revise bankruptcy attorney's declaration in support of opposition; email correspondence with counsel re the same; revise receiver's declaration in support of opposition; email correspondence with receiver finalizing declaration; incorporate co-counsel's comments and edits into opposition brief. .	5.75	3,162.50
08/31/23	FDH	Work on opposition to Rule 60 motion, calls and emails to Y. Mou and A. Allan re same.	4.50	5,400.00
			Total Fees:	101,300.00

SUMMARY OF PROFESSIONAL SERVICES

PROFESSIONAL	TYPE	HOURS	HOURLY RATE	AMOUNT
AARON P. ALLAN	Partner	8.50	1,050.00	8,925.00
FRED D. HEATHER	Partner	47.00	1,200.00	56,400.00
YAO MOU	Associate	65.00	550.00	35,750.00
VERONICA SHNAYDER	Case Assistant	0.75	300.00	225.00
		121.25		101,300.00

W. LAWRENCE PATRICK**LARRY@PATCOMM.COM**

Billing Attorney	FDH
Invoice No.	279690
Invoice Date	October 13, 2023

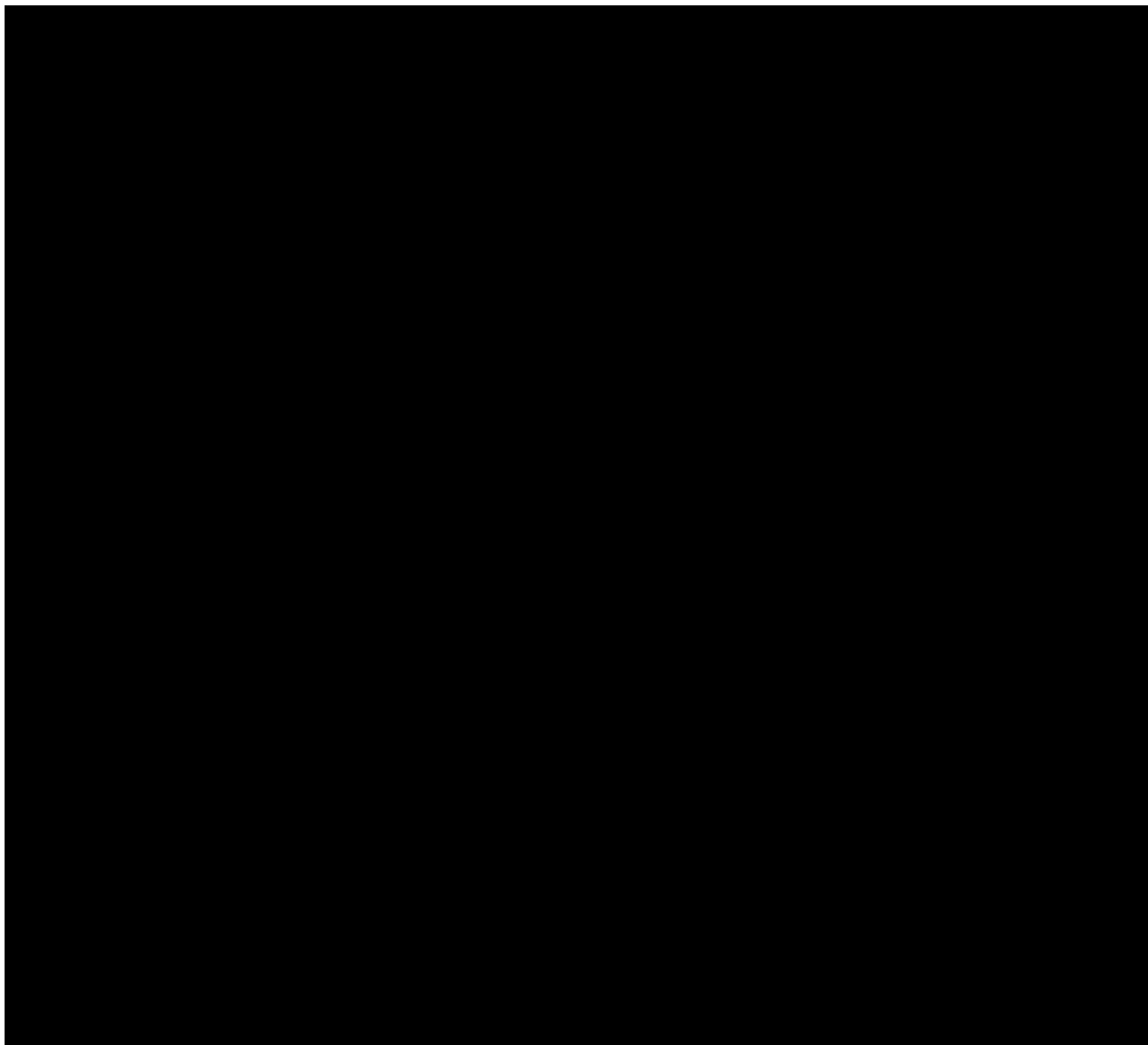
Client ID: 09897 Matter ID: 0001**RE: STOLZ RECEIVERSHIP****FOR PROFESSIONAL SERVICES RENDERED THROUGH September 30, 2023**

Date	Professional	Narrative	Hours	Amount
09/01/23	FDH	Completion of work on Rule 60 motion.	2.25	2,700.00
09/01/23	APA	Emails regarding final review of opposition brief and declaration; related emails.	0.25	262.50
09/01/23	YM	Draft attorney declaration in support of opposition; compile supporting exhibits thereof; review and revise opposition brief; email correspondence with bankruptcy counsel re declaration; finalize documents for filing; email correspondence re filing of opposition; supervise filing; revise Rule 11 motion letter to opposing counsel; compile supporting exhibits; draft accompanying draft motion for sanctions; telephone conference with counsel re the same. .	7.75	4,262.50
09/06/23	YM	Email correspondence re motion for sanctions deadlines.	0.25	137.50
09/11/23	APA	Review Stolz reply.	0.25	262.50
09/13/23	FDH	Call with B. Alexrod re recent filing by Stolz in District Court and possible effect in bankruptcy and development of arguments in opposition, call with L. Patrick re allegations re taxes, follow up analysis .	1.25	1,500.00
09/19/23	YM	Email correspondence with counsel re motion for sanctions; legal research re meet and confer requirement; draft substantive response to opposing counsel's email re oath-taking; telephone call and email correspondence with counsel re the same.	4.50	2,475.00
09/19/23	APA	Emails regarding Rule 11 motion; revise email to opposing counsel.	0.50	525.00
09/21/23	YM	Review and revise motion for sanctions, supporting declaration, and proposed order; telephone call with counsel re the same.	3.00	1,650.00
09/22/23	YM	Finalize motion for sanctions and supporting documents in preparation for filing; email proposed order to judge's chambers; email correspondence with First Legal re filing procedure.	3.00	1,650.00

Date	Professional	Narrative	Hours	Amount
09/22/23	APA	Emails regarding Rule 11 motion.	0.25	262.50
Total Fees:				15,687.50

SUMMARY OF PROFESSIONAL SERVICES

PROFESSIONAL	TYPE	HOURS	HOURLY RATE	AMOUNT
AARON P. ALLAN	Partner	1.25	1,050.00	1,312.50
FRED D. HEATHER	Partner	3.50	1,200.00	4,200.00
YAO MOU	Associate	18.50	550.00	10,175.00
		23.25		15,687.50



W. LAWRENCE PATRICK

LARRY@PATCOMM.COM

Billing Attorney FDH
Invoice No. 280380
Invoice Date October 26, 2023

Client ID: 09897 Matter ID: 0001
RE: STOLZ RECEIVERSHIP

FOR PROFESSIONAL SERVICES RENDERED THROUGH October 26, 2023

Date	Professional	Narrative	Hours	Amount
10/04/23	YM	Strategize with counsel and Plaintiff's counsel re reply in support of motions for sanctions.	0.50	275.00
10/04/23	APA	Emails regarding non-opposition on sanctions and reply brief.	0.25	262.50
10/05/23	YM	Review standing order and local rules in preparation for filing reply in support of motion for sanctions.	0.50	275.00
10/06/23	YM	Finalize reply in support of motion for sanctions for filing; email correspondence re filing.	1.00	550.00
10/06/23	APA	Emails regarding reply brief on sanctions motion.	0.25	262.50
10/18/23	YM	Telephone call with counsel re defendant's late-filed opposition.	0.25	137.50
10/18/23	FDH	Review of late filed opposition to Rule 11 motion, analysis of same.	1.00	1,200.00
10/18/23	APA	Emails regarding Stolz opposition papers.	0.25	262.50
10/19/23	APA	Emails regarding reply to Stolz opposition; emails regarding court ruling.	0.50	525.00
10/19/23	YM	Review and analyze defendant's late-filed opposition; telephone call with co-counsel re the same; draft sur-reply in support of motion for sanctions; strategize with counsel re late-filed opposition; outline key points in response to late-filed opposition in preparation for hearing. .	3.50	1,925.00

Total Fees:				5,950.00

SUMMARY OF PROFESSIONAL SERVICES

PROFESSIONAL	TYPE	HOURS	HOURLY RATE	AMOUNT
AARON P. ALLAN	Partner	1.25	1,050.00	1,312.50
FRED D. HEATHER	Partner	1.00	1,200.00	1,200.00
YAO MOU	Associate	6.25	550.00	3,437.50

SUMMARY OF PROFESSIONAL SERVICES

PROFESSIONAL	TYPE	HOURS	HOURLY RATE	AMOUNT
		8.50		5,950.00

